IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE COLUMBIA DIVISION

CALVIN TANKESLY,)
Plaintiff,))
v.) NO. 1:20-cv-00017
ARAMARK SERVICES, INC. et al.,) JUDGE CAMPBELL
Defendants.) MAGISTRATE JUDGE HOLMES)

<u>ORDER</u>

Pending before the Court is the Magistrate Judge's Report and Recommendation (Doc. No. 42), which was filed on April 9, 2021. Through the Report and Recommendation, the Magistrate Judge recommends that Defendant Kevin Genovese's Motion to Dismiss (Doc. No. 30). Plaintiff filed an objection (Doc. No. 45) and Defendant filed a Reply (Doc. No. 46). For the reasons discussed below, the Magistrate Judge's Report and Recommendation will be adopted and approved.

Under 28 U.S.C. § 636(b)(1) and Local Rule 72.02, a district court reviews *de novo* any portion of a report and recommendation to which a specific objection is made. *United States v. Curtis*, 237 F.3d 598, 603 (6th Cir. 2001). General or conclusory objections are insufficient. *See Zimmerman v. Cason*, 354 F. Appx. 228, 230 (6th Cir. 2009). Thus, "only those specific objections to the magistrate's report made to the district court will be preserved for appellate review." *Id.* (quoting *Smith v. Detroit Fed'n of Teachers*, 829 F.2d 1370, 1373 (6th Cir. 1987)). In conducting the review, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C).

The Magistrate Judge recommended that Defendant's motion to dismiss be granted because

she found that Plaintiff failed to allege facts showing conduct by Defendant that would support a

claim of personal liability under Section 1983 against him. Plaintiff's objection (Doc. No. 45) does

not directly challenge the reasoning of the Report and Recommendation. Instead, Plaintiff appears

to simply re-state facts and arguments he previously made in opposition to Defendant's motion

and the Magistrate Judge already considered in the Report and Recommendation. Thus, Plaintiff's

objection does not provide a basis to reject or modify the Report and Recommendation. See

VanDiver v. Martin, 304 F. Supp. 2d 934, 937 (E.D. Mich. 2004) ("An 'objection' that does

nothing more than state a disagreement with a magistrate's suggested resolution, or simply

summarizes what has been presented before, is not an 'objection' as that term is used in this

context.").

Having reviewed the Report and Recommendation and considered Plaintiff's objection, the

Court concludes that the Report and Recommendation (Doc. No. 42) should be adopted and

approved. Accordingly, Defendant's Motion to Dismiss (Doc. No. 30) is GRANTED.

It is so **ORDERED**.

WILLIAM L. CAMPBEL**ʻ**I

UNITED STATES DISTRICT JUDGE

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